

LAWRENCE J. Riccio
104 FREEDOM TRAIL
NEW CASTLE, DE 19720

IN THE UNITED STATES DISTRICT COURT
DELAWARE

LAWRENCE J. RICCIO
104 Freedom Trail
New Castle, DE 19720

V.

UNITED STATES OF AMERICA

and

THE UNITED STATES DEPT. OF
VETERANS' AFFAIRS

and

THE NAVAL INSPECTOR GENERAL

CIVIL ACTION

NO. 06-722

2006 NOV 30 PM 4:42
U.S. DISTRICT COURT
DISTRICT OF DELAWARE

COMPLAINT

JURISDICTION

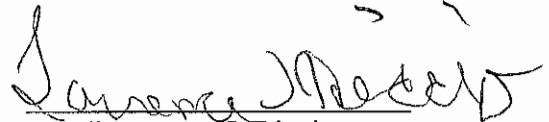
1. This action is brought under the Federal Tort Claims Act of 1948, as amended, 60 Stat. 842, 28 USCA, ¶ 1346(b), 2671 et seq.
2. On or about September 21, 2001, Mr. Lawrence J. Riccio, a retired Naval Master Chief reported to the VA Medical Center, Wilmington, Delaware, wherein he presented with symptoms of a stroke.
3. At the emergency room of the U.S. medical facility, Mr. Riccio was advised that he had suffered a transient vascular accident and that he should go home and take 2 aspirin.
4. Following the advice of the doctors at the VA Hospital, without the benefit of any testing, Mr. Riccio returned home and took the aspirin as prescribed.

5. The following day, Mr. Riccio was rushed to the hospital having suffered major stroke because of the failure to properly diagnose and treat his condition by the employees of the United States Government in their medical facility at the VA Hospital.

6. Subsequent thereto, while plaintiff was hospitalized in defendants' VA Hospital in Wilmington, Delaware, defendant, its agents, servants and/or employees failed to provide proper medical and rehabilitative care to him.

7. As a result of the negligence of the defendant, its agents servants and/or employees, Plaintiff suffered a massive stroke which has left him partially paralyzed, with the inability to properly speak, and has rendered him virtually helpless. He has suffered great pain of body and mind, has incurred medical expenses and hospitalizations in excess of \$150,000.

WHEREFORE, plaintiff demands judgment against defendants in a sum in excess of \$150,000 plus costs and attorney's fees.



Lawrence J. Riccio

PRO SE

21 Nov 06
DATE

CIVIL COVER SHEET

The US44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFF(S) Lawrence J. Riccio 104 Freedom Trail New Castle, DE 19720	DEFENDANTS United States of America United States Dept. of Veterans' Affairs The Naval Inspector General
(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U. S. PLAINTIFF CASES)	COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED
(c) ATTORNEYS (FIRM NAME, ADDRESS AND TELEPHONE NUMBER) LAWRENCE J. RICCIO 104 FREEDOM TRAIL NEW CASTLE, DE 19720	ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)	III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)				
<table style="width: 100%;"> <tr> <td style="width: 50%;"> <input type="checkbox"/> 1. U. S. Government Plaintiff <input checked="" type="checkbox"/> 2. U. S. Government Defendant </td> <td style="width: 50%;"> <input type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III) </td> </tr> </table>	<input type="checkbox"/> 1. U. S. Government Plaintiff <input checked="" type="checkbox"/> 2. U. S. Government Defendant	<input type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)	<table style="width: 100%;"> <tr> <td style="width: 50%;"> <input type="checkbox"/> 1. Citizen of This State <input checked="" type="checkbox"/> 2. Citizen of Another State <input type="checkbox"/> 3. Citizen or Subject of a Foreign Country </td> <td style="width: 50%;"> <input type="checkbox"/> 4. Incorporated or Principal Place of Business in This State <input checked="" type="checkbox"/> 5. Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 6. Foreign Nation </td> </tr> </table>	<input type="checkbox"/> 1. Citizen of This State <input checked="" type="checkbox"/> 2. Citizen of Another State <input type="checkbox"/> 3. Citizen or Subject of a Foreign Country	<input type="checkbox"/> 4. Incorporated or Principal Place of Business in This State <input checked="" type="checkbox"/> 5. Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 6. Foreign Nation
<input type="checkbox"/> 1. U. S. Government Plaintiff <input checked="" type="checkbox"/> 2. U. S. Government Defendant	<input type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)				
<input type="checkbox"/> 1. Citizen of This State <input checked="" type="checkbox"/> 2. Citizen of Another State <input type="checkbox"/> 3. Citizen or Subject of a Foreign Country	<input type="checkbox"/> 4. Incorporated or Principal Place of Business in This State <input checked="" type="checkbox"/> 5. Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 6. Foreign Nation				

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

This action is brought under the Federal Tort Claims Act of 1948, as amended, 60 Stat. 842, 28 USCA, § 1346(b), 2671 et seq.

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)					
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Ubel & Slender <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	TORTS <input checked="" type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Torts in Landing <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Food & Drug <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 750 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	BANKRUPTCY <input type="checkbox"/> 422 Appeal <input type="checkbox"/> 423 Withdrawal PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395iii) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC (405(g)) <input type="checkbox"/> 865 DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party	OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commercial/ICC Rates/stc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3470 <input type="checkbox"/> 991 Agricultural Acts <input type="checkbox"/> 992 Economic Stabilization Act <input type="checkbox"/> 993 Environmental Matters <input type="checkbox"/> 994 Energy Allocation Act <input type="checkbox"/> 995 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions

V. ORIGIN (PLACE AN X IN ONE BOX ONLY)						
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	Transferred from another district (specify)	<input type="checkbox"/> 5 Multidistrict Litigation	Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ Excess of \$50,000
Check YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		

VIII. RELATED CASE(S) (See instructions): IF ANY: NONE	JUDGE Hon.	DOCKET NUMBER
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DATE
21 Nov 2006

SIGNATURE OF ATTORNEY OF RECORD

LAWRENCE J. RICCIO

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 06-722 2

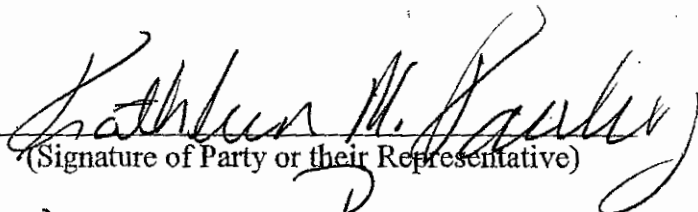
ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 4 COPIES OF AO FORM 85.

11-30-06

(Date forms issued)


(Signature of Party or their Representative)

Kathleen M. Pawley
(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action